UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,276	10/22/2003	Helmut Heinzmann	V0I0278.US	4928

7590 07/08/2005

Todd T. Taylor
Taylor & Aust. P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710

EXAMINER	
HUG, ERIC J	

ART UNIT	PAPER NUMBER
1731	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,276	HEINZMANN, HELMUT	
	Examiner	Art Unit	
	Eric Hug	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2005 and 18 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2005 has been entered.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klungness et al (5,223,090) in view of Smook (Handbook for Pulp & Paper Technologists).

Klungness teaches loading a pulp fiber (chemical pulp, column 5, line 67 and column 1, lines 58-60 for kraft or sulfite pulp) by way of a chemical precipitation reaction by adding CaO or CaOH (column 6, line 38) to wet pulp (up to 95% weight water), then reacting with carbon dioxide to form precipitated calcium carbonate (column 6, lines 54-55), and then drying the pulp, prior to shipment for subsequent usage (column 6, lines 60-63). See column 6, line 58 for refining after loading, see column 6, line 62 for making a paper web. Smook is cited here to exemplify the drying of fiber pulp to a dryness of up to 95% for later use when not used immediately in a papermaking process. Smook also teaches providing dried pulp in rolled form or in baled sheet form.

Any other differences, none are felt to exist, would have been obvious over Klungness.

2. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klungness et al as applied to claim l above, and further in view of Drummond (6,602,385) or Pitkanen et al (6,436,238).

Pitkanen teaches making filled pulp from peroxide bleached mechanical pulp (column 4, lines 26-38 and column 6, lines 10-19). It would have been obvious to use peroxide to bleach the pulp of Klungness prior to adding the calcium carbonate as such is taught by Pitkanen et al. Alternatively, Drummond teaches peroxide bleaching of pulp filled with calcium carbonate (column 2, lines 59-67). It would have been obvious to brighten the calcium carbonate filled pulp of Klungness by bleaching with peroxide in the manner taught by Drummond.

3. Claims 1-3, 6-11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivatsu et al (US 5,665,205) in view of Smook (Handbook for Pulp & Paper Technologists).

Srivatsu disclose adding calcium carbonate filler to secondary fiber pulp by in situ attachment to the secondary pulp fibers. The secondary fiber pulp is mixed with calcium oxide or calcium hydroxide and then contacted with carbon dioxide in order to precipitate calcium carbonate on the secondary fibers. The pulp contains up to 99.5% water (not dried). The pulp is subsequently used to make paper. The secondary fiber pulp may be deinked pulp resulting from bleaching (column 1, lines 42-50). Such bleaching would obviously be performed with at least one bleaching agent prior to loading with calcium carbonate. Smook is cited here to exemplify the drying of fiber pulp to a dryness of up to 95% for subsequent use. Smook also teaches providing dried pulp in rolled form or in baled sheet form.

Any other differences, none are felt to exist, would have been obvious modifications over Srivatsu.

Response to Arguments

Applicant's arguments filed April 15, 2005 have been fully considered. The arguments are relevant to the above rejections. The arguments regarding the use of crumb pulp in Klungness are not convincing. This pulped is dewatered, not dried. Nevertheless, pulp that is not significantly dewatered is also suitable for use. It is noted that the pulp used in Klungness has a moisture content of upwards to 95%.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Green et al (US 4,510,020) discloses filler loading of never-dried pulp or pulp that has been dried and re-slurried.

Allan (US 5,096,539) teaches filler loading of never-dried pulp followed by drying for subsequent use.

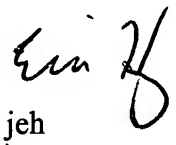
Matthew et al (US 5,679,220) teaches calcium carbonate loading of pulp fibers in suspension using calcium oxide and carbon dioxide.

Silenius et al (US 6,436,232) teaches calcium carbonate loading of fluidized pulp using calcium hydroxide and carbon dioxide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



jeh